

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HAYWOOD MACK ROSS, <i>Plaintiff,</i>	§ § § § § § § § § §	CIVIL ACTION H-05-2347
vs.		
HOUSTON COMMUNITY COLLEGE SYSTEM, <i>et al.,</i> <i>Defendants.</i>		

ORDER


Plaintiff, appearing *pro se*, has filed an Emergency Motion (Dkt. 9), apparently seeking an injunction allowing him to attend Houston Community College. Plaintiff has not caused a summons to be issued in this case and there is no indication that he has served any defendant with his complaint or the current motion. The Court will not consider plaintiff's injunction motion until service has been effected upon defendants.¹ Service must be completed within 120 days of filing of the complaint. FED. R. CIV. P. 4(m). Plaintiff filed his complaint on June 29, 2005. It is therefore

ORDERED that plaintiff shall serve defendants with a summons and copy of his complaint on or before October 31, 2005, and shall file a certificate of service evidencing service with the court. Failure to timely serve defendants may result in dismissal of this case for want of prosecution. It is further

¹ Even if the court were to construe plaintiff's motion as one for a temporary restraining order, there is no showing of "immediate and irreparable injury, loss, or damage" that will result to plaintiff before the defendants can be notified and heard in opposition. FED. R. CIV. R. 65(b).

ORDERED that plaintiff's current motion (Dkt. 9) is denied without prejudice.

Signed at Houston, Texas on August 17, 2005.



Stephen Wm Smith
United States Magistrate Judge